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### **REMARKS**

This response is intended as a full and complete response to the final Office Action mailed March 10, 2006. In the Office Action, the Examiner notes that claims 1-21, 27-29, 55-77, 83 and 84 are pending and rejected. By this response, Applicant has cancelled claims 27-28, 55-56 and 83-84 to narrow the issues on appeal.

In view of both the amendments presented above and the following discussion, Applicant submits that all of the claims now pending in the application are non-obvious under 35 U.S.C. §103. Thus, Applicant believes that all of these claims are now in allowable form.

It is to be understood that Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

### **35 U.S.C. §103 Rejection of Claims 1-4, 6-8, 10, 12-14, 16, 19-21, 27, 29-32, 34-35, 38, 40-42, 44, 47-49, 57-60, 62-64, 66, 68-70, 72, and 75-77**

The Examiner has rejected claims 1-4, 6-8, 10, 12-14, 16, 19-21, 27, 29-32, 34-35, 38, 40-42, 44, 47-49, 57-60, 62-64, 66, 68-70, 72, and 75-77 as being unpatentable under the provisions of 35 U.S.C. §103(a) over U.S. Patent 6,553,178-B2 to Abecassis (hereinafter "Abecassis") in view of U.S. Patent 5,754,938 to Herz (hereinafter "Herz"). Applicant respectfully traverses the rejection.

### **Claims 1, 29 and 57**

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. The Abecassis and Herz references, alone or in combination, fail to teach or suggest all of the limitations recited in claim 1, and thus fail to teach or suggest the Applicant's invention as a whole.

Claim 1 reads as follows:

"A method, comprising:  
receiving a video program;

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outputting the video program for presentation on a display device;  
receiving an initiating portion of an audio communications event comprising an initiating portion and an accepting portion;  
detecting the receiving of the initiating portion of the audio communications event during the video program presentation;  
pausing the video program upon detecting the receiving of the initiating portion of the audio communications event;  
converting audio of the audio communications event to corresponding text for display; and  
outputting a signal for displaying an indication of the receiving of the initiating portion of the audio communications event."

The Examiner is respectfully directed to Applicant's arguments and discussion in the previous Office Action responses. In addition, Applicant continues to note that the Abecassis and Hertz references, singly or in combination, fail to teach or suggest at least the "pausing the video program upon detecting the receiving of the initiating portion of the audio communications event" as recited in claim 1.

The present Office Action states: "Regarding applicant's argument, the Examiner notes that the initiating portion of the audio communications event comprises an initiating portion and accepting portion according to the claim language in claim 1. That is to say, an acceptance portion is part of the initiating portion...." This is simply not correct.

The claim element clearly recites "receiving an initiating portion of an audio communications event comprising an initiating portion and an accepting portion." This element clearly contemplates a communications event that includes an initiating portion and an accepting portion. Of these two portions, reception of the initiating portion is detected and acted upon. It is circular reasoning to say that an initiating portion includes an initiating portion and an accepting portion. If the Examiner would like some other language to adequately convey this concept, then Applicant is happy to amend the claim.

For the reasons given above and in prior responses, the Abecassis reference fails to disclose or suggest at least the discussed limitation. Moreover, as discussed in more detail in previous responses, the Herz reference fails to bridge the gap between Abecassis and the claimed invention. Whatever Herz may disclose, it certainly does

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not disclose the claim element discussed above. Therefore, the combination of the Abecassis and Herz references therefore fails to teach or suggest Applicant's invention as a whole.

As such, Applicant submits that independent claim 1 fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, independent claims 29 and 57 have substantially similar relevant limitations as those discussed above in regards to claim 1. Therefore, independent claims 29 and 57 also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Additionally, claims 2-4, 6-8, 12-14, 16, 19-21, 29-32, 34-35, 38, 40-42, 44, 47-49, 57-60, 62-64, 66, 68-70, 72, and 75-77 depend, directly or indirectly, from independent claims 1, 29, and 57, and recite additional limitations thereof. As such, these dependent claims also fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

### **35 U.S.C. §103 Rejection of Claims 5, 33 and 61**

The Examiner has rejected claims 5, 33 and 61 under 35 U.S.C. §103(a) as being unpatentable over Abecassis in view of Herz in further view of Statutory Invention Registration H1714 to Partridge (hereinafter "Partridge"). Applicant respectfully traverses the rejection.

Claims 5, 33 and 61 depend directly or indirectly from independent claims 1, 29 and 57. Moreover, for at least the reasons discussed above, the Abecassis and Herz references fail to teach or suggest the Applicant's invention as recited in claims 1, 29 and 57. Accordingly, any attempted combination of the Abecassis and Herz references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicant submits that dependent claims 5, 33 and 61 are patentable under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

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### **35 U.S.C. §103 Rejection of Claims 11, 39 and 67**

The Examiner has rejected claims 11, 39 and 67 under 35 U.S.C. §103(a) as being unpatentable over Abecassis in view of Herz in further view of The Publisher's Page article (hereinafter "Publisher's Page"). Applicant respectfully traverses the rejection.

Claims 11, 39 and 67 depend directly or indirectly from independent claims 1, 29 and 57. Moreover, for at least the reasons discussed above, the Abecassis and Herz references fail to teach or suggest Applicant's invention as recited in claims 1, 29 and 57. Accordingly, any attempted combination of the Abecassis and Herz references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicant submits that dependent claims 11, 39 and 67 are patentable under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

### **35 U.S.C. §103 Rejection of Claims 9, 36, 37 and 65**

The Examiner has rejected claims 9, 36, 37, and 65 under 35 U.S.C. §103(a) as being unpatentable over Abecassis in view of Herz in further view of U.S. Patent 5,715,315 to Handelsman (hereinafter "Handelman"). Applicant respectfully traverses the rejection.

Claims 9, 36, 37 and 65 depend directly or indirectly from independent claims 1, 29 and 57. Moreover, for at least the reasons discussed above, the Abecassis and Herz references fail to teach or suggest Applicant's invention as recited in claims 1, 29 and 57. Accordingly, any attempted combination of the Abecassis and Herz references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicant submits that dependent claims 9, 36, 37 and 65 are patentable under 35 U.S.C. §103.

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Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

**35 U.S.C. §103 Rejection of Claims 15, 17, 43, 45, 71, and 73**

The Examiner has rejected claims 15, 17, 43, 45, 71 and 73 under 35 U.S.C. §103(a) as being unpatentable over Abecassis in view of Herz in further view of U.S. Patent 5,808,662 to Kinney (hereinafter "Kinney"). Applicant respectfully traverses the rejection.

Claims 15, 17, 43, 45, 71 and 73 depend directly or indirectly from independent claims 1, 29 and 57. Moreover, for at least the reasons discussed above, the Abecassis and Herz references fail to teach or suggest Applicant's invention as recited in claims 1, 29 and 57. Accordingly, any attempted combination of the Abecassis and Herz references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicant submits that dependent claims 15, 17, 43, 45, 71 and 73 are patentable under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

**35 U.S.C. §103 Rejection of Claims 18, 46 and 74**

The Examiner has rejected claims 18, 46 and 74 under 35 U.S.C. §103(a) as being unpatentable over Abecassis in view of Herz in further view of U.S. Patent 6,480,667 to O'Connor (hereinafter "O'Connor"). Applicant respectfully traverses the rejection.

Claims 18, 46 and 74 depend directly or indirectly from independent claims 1, 29 and 57. Moreover, for at least the reasons discussed above, the Abecassis and Herz references fail to teach or suggest Applicant's invention as recited in claims 1, 29 and 57. Accordingly, any attempted combination of the Abecassis and Herz references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As

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such, Applicant submits that dependent claims 18, 46 and 74 are patentable under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

**35 U.S.C. §103 Rejection of Claims 27, 55, and 83**

The Examiner has rejected claims 27, 55 and 83 under 35 U.S.C. §103(a) as being unpatentable over Abecassis in view of Herz in further view of U.S. Patent 6,167,376 to Ditzik (hereinafter "Ditzik"). Since these claims have been cancelled it is respectfully submitted that the rejection is moot.

**35 U.S.C. §103 Rejection of Claims 28, 56 and 84**

The Examiner has rejected claims 28, 56 and 84 under 35 U.S.C. §103(a) as being unpatentable over Abecassis in view of Herz and Ditzik in further view of U.S. Patent 6,006,257 to Slezak (hereinafter "Slezak"). Since these claims have been cancelled it is respectfully submitted that the rejection is moot.

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### CONCLUSION

Thus, Applicant submits that all of the claims presently in the application are non-obvious under 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 5/10/06

  
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